

Navigating the New Trademarks Era: The Nice Classification 13th Edition – What Every Brand Owner Needs to Know

The landscape of trademark protection officially shifted on **January 1, 2026**, with the implementation of the **13th Edition of the Nice Classification (NCL 13-2026)**. This edition marks one of the most significant overhauls in decades, introducing fundamental changes that could impact a brand's protection strategy.

Key changes:

The most impactful changes involve the outright relocation of entire categories of goods from one class to another. Failing to acknowledge these transfers could lead to delays, office actions, or even a lack of enforceable rights for new filings.

Here's a breakdown of the most significant product class changes:

Item / Category	Old Class	New Class	Key Impact & AIlegal Insight
Eyewear (Spectacles, sunglasses, contact lenses, frames, cases)	9	10	This is perhaps the biggest shift. Eyewear is now deemed "medical/therapeutic." For new filings, ensure Class 10 is used.
Emergency Vehicles (Fire engines, fireboats, lifeboats, ambulances)	9	12	These vehicles are now logically grouped with all other forms of transport. Brands in specialized vehicle manufacturing must update their filing strategies.
Electrically Heated Clothing (Socks, garments, footmuffs)	11	25	Classified by their primary nature as clothing. This impacts apparel brands with heated lines.
Essential Oils (Industrial Use) (e.g., Terpenes)	3	1	Essential oils are now spread across various classes depending upon the purpose/ use: Industrial ingredients move to Class 1.
Essential Oils (Culinary Use) (Food flavourings)	3	30	Oils used as food flavourings now reside with other food products.

Essential Oils (Medical/Therapeutic Use) (Aromatherapy for ailments)	3	5	Therapeutic essential oils are now correctly categorized with other medicinal preparations.
Tongue Scrapers	10	21	Moved from medical apparatus to household/toilet articles.
Irrigation Hose Nozzles	21	17	Aligned with plumbing and hose fittings.
Sea Kayaks	28	12	Moved from "Games and Sporting Goods" to "Vehicles."
Buttercream (Icing)	29	30	Now classified with other confectionery and baking ingredients.

Refined Service Classifications: Clarity for a Modern Economy

Significant refinements have been made to service categories, particularly to accommodate new technologies and clarify existing ambiguities.

Service Category	Old Treatment	New Treatment	Key Impact & AI Legal Insight
Optician Services	Listed as a single term in Class 44	Now explicitly separated: <ul style="list-style-type: none"> Class 35: Retail services for optical goods Class 37: Repair and maintenance of spectacles Class 44: Optometry services & medical consultations 	Granular approach for optical businesses. Applications must be filed with service descriptions accurately reflecting the specific nature of offerings.
Airport Lounge Services	-	Class 43: "Providing airport lounge services" is now an explicit term.	Travel and hospitality brands offering premium airport experiences can now secure clearer protection.

AI as a Service (AlaaS)	Often covered generally under "Software as a Service" in Class 42	Class 42: "Artificial intelligence as a service [AlaaS]".	Critical addition for the booming AI sector.
Subscription Services (Content)	Often broad Class 35 or specific content classes	Class 35: "Subscription services to multimedia content for third parties"	Clarity for Digital Platforms: Platforms offering content subscriptions now have a clearer classification path.
Delivery Robots	Covered by general rental terms in Class 39	Class 39: "Rental of delivery robots" is now an explicit term.	Future-Proofing: Reflects the rise of automated logistics and delivery services.

New Terminology and Subtle Shifts:

Beyond the major transfers, the 13th Edition introduces new terms and subtly modifies existing ones, aiming for more universal applicability.

- **New Tech Terms (Class 9):** Keep an eye out for terms like "**Virtual mirrors**" (**interactive electronic displays**), which solidify protection for innovative retail and tech solutions.
- **Medical Additions (Class 10):** Specific additions like "**Mouth guards for bruxism**" and "**Nose clips for swimmers**" (moved from Class 9) highlight increased granularity in medical and protective devices.
- **The "Christmas" term:** In a move towards broader applicability, terms containing "Christmas" (e.g., "Artificial Christmas trees") have been revised to more generic forms (e.g., "Artificial trees").
- **Deleted Terms:** Generic terms like "**Eyewear**" in Class 9 have been removed, emphasizing the need for specific itemization (now in Class 10).

Implications for Brand Owners

The changes introduced by the 13th Edition are prospective in nature. Older applications are not affected. However, this creates a "dual-class" environment:

1. **Comprehensive Clearance Searches are more complex:** You must now search **both** the old and new classes for critical goods (like eyewear) to avoid infringing older rights.

2. **Update Your Trademark Watching Services:** Ensure your watch services cover all relevant classes, including those newly designated for your products.
3. **Strategic Filing:** For any new applications, meticulously apply the 13th Edition. Precision in your goods and services descriptions is paramount to avoid office actions and secure robust protection.

The new Nice Classification is more than just a list; it's a document that reflects global innovation and commercial practices. Partnering with experienced IP counsel is crucial to navigate these complexities and ensure your intellectual property remains a strong asset.
